

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID ELLIS, Successor Plan)	
Administrator and Successor Plan)	
Trustee for the Rycenga Homes, Inc.)	Case No. 1:04-cv-694
Profit-Sharing 401(k) Plan,)	
)	
Plaintiff,)	Hon. Richard Alan Enslen
)	
v.)	
)	
EDWARD D. JONES & CO., L.P.,)	
)	<u>DEFAULT JUDGMENT</u>
Defendant.)	
)	

The Clerk has entered a default against The Hanover Insurance Company for failure to appear in response to service of a summons and counterclaim in interpleader. The interpleader counterclaim required The Hanover Insurance Company to assert its interest, if any, in the proceeds of settlement now being held in the registry of this Court. Counter-defendant David Ellis, as Successor Plan Trustee for the Rycenga Homes, Inc. Profit-Sharing 401(k) Plan, has asserted a claim to the entirety of the funds held in the registry of the Court, and has moved for the entry of a default judgment against The Hanover Insurance Company. The record in this matter indicates that actual notice of these proceedings was given to both The Hanover Insurance Company and its counsel. Accordingly, with the Court being fully advised in the premises:

IT IS HEREBY ORDERED that Plaintiff's Application for Entry of Default Judgment against The Hanover Insurance Company (Dkt. No. 165) is **GRANTED**.

IT IS FURTHER ORDERED, ADJUDGED, AND DECLARED that The Hanover Insurance Company has no claim, right, or interest in any of the funds now held in the registry of this Court in this matter, whether under a theory of contract, subrogation, or otherwise.

IT IS FURTHER ORDERED that the Clerk shall release to David Ellis, as Successor Plan Trustee for the Rycenga Homes, Inc. Profit-Sharing 401(k) Plan, all funds now held in the registry of this Court, plus all accrued interest.

DATED in Kalamazoo, MI:
June 21, 2007

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE